

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KARKANIAS RESEARCH, LLC d/b/a	:	
CYTIRA, and GEORGE KARKANIAS, aka	:	Case No. 07 CV 6113(RJH)(MHD)
CYTIRA, INC.,	:	
Plaintiffs,	:	NOTICE TO ADVERSE
	:	PARTY OF FILING OF
-against-	:	<u>NOTICE OF REMOVAL</u>
	:	
LIFESPAN BIOSCIENCES, INC.,	:	
	:	
Defendant.	:	
-----	X	

TO: Steven D. Skolnik, P.C.
Cox Padmore Skolnik & Shakarchy LLP
Attorney for Plaintiffs
630 Third Avenue, 19th Floor
New York, New York 10017

PLEASE TAKE NOTICE that LifeSpan BioSciences, Inc., the defendant in the above-captioned action, has filed a Notice of Removal of this action with the United States District Court for the Southern District of New York.

A copy of the Notice of Removal filed in the Office of the Clerk of the United States District Court for the Southern District of New York, dated June 20, 2007, is attached hereto as Exhibit A. A copy of this Notice has also been provided to the Clerk of the Supreme Court of New York.

The filing of a copy of the Notice of Removal with the Clerk of the Supreme Court of New York, precludes the Supreme Court of New York from any further proceedings in the action

unless and until the action is remanded from the United States District Court.

Dated: New York, New York
June 28, 2007

THELEN REID BROWN RAYSMAN &
STEINER LLP

By: s/John Fedun
John Fedun
Attorney for Defendant LifeSpan
BioSciences, Inc.
900 Third Avenue
New York, New York 10022
(212) 895-2000

Of Counsel
Glenn R. Nelson
Oles Morrison Rinker & Baker LLP
701 Pike Street
Suite 1700
Seattle, WA 98101
(206) 682-6234

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
KARKANIAS RESEARCH, LLC d/b/a	:
CYTIRA, and GEORGE KARKANIAS, aka	:
CYTIRA, INC.,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
LIFESPAN BIOSCIENCES, INC.,	:
	:
Defendant.	:
-----	X

NOTICE OF REMOVAL

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK:

Please take notice that LifeSpan BioSciences, Inc. (“Defendant”) is a defendant in the civil action brought on May 24, 2007, by Karkanias Research, LLC d/b/a/ Cytira, and George Karkanias, aka Cytira, Inc. (“Plaintiffs”), in the Supreme Court of New York, County of New York, Index No. 601757-07. Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant hereby removes the above-entitled action to the United States District Court for the Southern District of New York. In support of its Notice of Removal, Defendant respectfully alleges as follows:

1. On May 24, 2007, Plaintiffs filed a complaint entitled *Karkanias Research, LLC d/b/a/ Cytira, and George Karkanias, aka Cytira, Inc. v. LifeSpan BioSciences, Inc.*, Index No. 601757/07 (the “Complaint”), in the Supreme Court of New York. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint is attached hereto as Exhibit A. Upon information and belief, no other process, pleading, or order was filed in the state court action.
2. Defendant, a Washington corporation, was served with a copy of the Summons and Complaint on May 31, 2007 at its principal place of business at 2401 Fourth Avenue, Suite 900,

Seattle, Washington 98121. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) as it is filed within thirty (30) days of Defendant's receipt of the Summons and Complaint.

3. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 in that it is an action between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Page 7 of the Complaint alleges damages of at least \$237,760.50 together with interest, costs, and disbursements. The action is therefore removable under 28 U.S.C. §1441(a).

4. There is complete diversity of citizenship between the Plaintiffs and Defendant because:

a. Complaint paragraphs 1 and 3 allege that Plaintiffs are citizens of New York. Plaintiff Karkanias Research, LLC is alleged to be a limited liability company with its principal place of business located at 305 Madison Avenue, Suite 449, New York, New York 10165. Plaintiff George Karkanias a/k/a Cytira, Inc. is alleged to be an individual with a business address located at 305 Madison Avenue, Suite 449, New York, New York 10165.

b. Complaint paragraphs 5 and 6 allege that Defendant LifeSpan BioSciences, Inc. is a citizen of Washington state. Defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Washington, and at all relevant times LifeSpan BioSciences, Inc. had and has its principal executive office located at 2401 Fourth Avenue, Suite 900, Seattle, Washington 98121.

5. Attached hereto as Exhibit B is a true and correct copy of the Notice To The Supreme Court Of The State Of New York, County Of New York, Of The Filing Of Notice of Removal, the original of which is being filed with the Clerk of the New York State Supreme Court, as required by 28 U.S.C. § 1446(d).

6. Attached hereto as Exhibit C is a true and correct copy of the Notice To Adverse Party Of Filing Of Notice of Removal, the original of which is being served on Plaintiffs' counsel, as required by 28 U.S.C. § 1446(d).

7. Defendant expressly reserves all rights and defenses relating to the Plaintiffs' claims.

WHEREFORE, Defendant LifeSpan BioSciences, Inc. prays that this action be removed to this Court for all purposes, that this Court accept jurisdiction of this action, and henceforth, that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Dated: New York, New York
June 28, 2007

THELEN REID BROWN RAYSMAN
& STEINER LLP

By: 

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